

**PLANNING BOARD
JANUARY 12, 2012
MINUTES**

Chairman Burke called the meeting to order at 7:30 PM at the Groton Senior Center

Members present: Burke, Barringer, Capes, Giger, Parent, Perkins and Wilson

PUBLIC HEARING – RIVERCOURT SPECIAL PERMIT MODIFICATION

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing on January 5, 2012, continued on January 12, 2012, to consider the application submitted by Rivercourt Limited Partnership, c/o Capstone Properties, to modify Special Permit #99-05 to renovate and convert the former daycare center space to four (4) units for Rivercourt Residences, thereby increasing the number of residential units from 74 to 78. The proposed project is located at 8 West Main Street, on Assessors' Map 101, Parcel 9, on the southerly side of West Main Street.

Chairman Burke called the public hearing to order. Clerk Parent read the notice published in December 16 and 23, 2011 issues of the *Groton Herald*. David Hamilton of Rivercourt Limited Partnership presented the application at the public hearing.

Land Use Director/Town Planner Michelle Collette disclosed that her mother-in-law, Irene Collette, is a resident at the Rivercourt Assisted Living Facilities (see disclosure letter filed with the Town Clerk on December 23, 2010).

Mr. Hamilton stated that the Country Kids child care facility would be moving to Tarbell School on Pepperell Road in the near future. Rivercourt Limited Partnership would like to create four additional units in the space now occupied by Country Kids, thereby increasing the total number of units from 74 to 78.

Member Barringer referred to the letter dated January 9, 2012 from Housing Coordinator Fran Stanley regarding the affordable units required by the Regulatory Agreement with MassDevelopment dated November 1, 2000. Mr. Hamilton said they screen all applicants financially to be sure they are in compliance with the requirement that 20% of the units are available for people with income levels at or below 50% of HUD median income for the area. Under the present agreement, 15 units are set aside for qualified applicant.

Member Barringer asked if another affordable unit would be added when the total number of units is increased to 78. Mr. Hamilton said, "yes."

Member Barringer asked if there are any issues with ambulance calls at the facility. Mr. Hamilton said, "no," they have a good working relationship with the Town's Emergency Medical Services.

Member Wilson asked about the Subsidized Housing Inventory. Ms. Collette said all 74 units count on the inventory because they are rental units. When the four new units are constructed, they should be added to the inventory.

Member Parent read the Fire Chief's letter dated January 5, 2012. Mr. Hamilton said they would comply with all the Fire Chief's requirements.

Member Perkins asked if there would be an increase in the footprint of the building. Mr. Hamilton said, "no," all the changes would be internal. Member Perkins asked if any additional parking spaces would be needed. Mr. Hamilton said, "no," most residents do not have cars so fewer parking spaces would be necessary than with the existing child care center. The child care center requires 12-15 spaces and the apartments require four spaces (one per unit).

Member Perkins asked if there would be any additional staff. Mr. Hamilton said, "no," the four units will be for independent living rather than assisted living.

Member Perkins asked if the existing playground would be changed. Mr. Hamilton said the playground would be removed and revegetated.

Member Capes noted that one of the entrances to the building would be eliminated, one would be moved and one would remain the same. He asked if two entrances are adequate. Mr. Hamilton said, "yes," the architects designed the plan to meet the Building Code.

Member Giger asked about the issues with the retaining wall. Ms. Collette said the problems with the wall have been corrected in accordance with the plan prepared by a Structural Engineer on April 30, 2010, reviewed and approved by the Building Commissioner.

Member Giger asked about the 15 affordable units and compliance with the Regulatory Agreement with MassDevelopment. Mr. Hamilton said the agreement requires that 20% of the units must be available for income-eligible applicants. The reduction in rent is at the discretion of the owner. Member Giger asked if the tenants pay reduced rent. Mr. Hamilton said, "yes."

Member Barringer asked if the units on the first or second floor are in the floodplain. Mr. Hamilton said the first floor is above the floodplain.

Chairman Burke confirmed that the increase from 74 to 78 units will result in an increase in the number of affordable units from 15 to 16 and that the affordable units are rented at a reduced rate. Mr. Hamilton said, "yes."

Chairman Burke said it is preferable to add additional housing units rather than having another child care center competing with Country Kids to be located in the Tarbell School. The Board agreed.

The Board voted unanimously to close the public hearing.

The motion was made by Wilson, seconded by Parent, to modify Special Permit #99-05 and #2000-09 to renovate and convert the former daycare center space to four (4) units for Rivercourt Residences, thereby increasing the number of residential units from 74 to 78, as shown on the plan entitled, "Proposed Renovations to: River court Assisted Living," prepared by DMS Design, LLC, dated November 21, 2011, with the waivers and conditions:

Waiver

1. The Board waives the requirement to submit a Site Plan pursuant to Section 218-25 Site Plan Review because there are no proposed changes to the parking lot and fewer parking spaces will be required for the four additional units than are required for the existing child care facility.

Conditions

1. The applicant shall comply with the recommendations of the Fire Chief as stated in the memorandum dated January 5, 2012 from the Fire Chief to the Planning Board.
2. One additional affordable unit will be added to maintain the 20% required in the "Tax Regulatory Agreement with Massachusetts Development Finance Agency dated November 1, 2000.
3. This special permit shall not be in effect until a certified copy of the special permit decision is recorded at the Middlesex South Registry of Deeds as required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence nor shall any necessary permits be issued by any Board or official until evidence of such recording is submitted to the Planning Board by the applicant.
4. This special permit shall lapse in 24 months, which shall not include such time required to pursue or await the determination of an appeal referred to in Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. The recording of the special permit shall constitute commencement of substantial use.
5. This special permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

PUBLIC HEARING – SITE PLAN REVIEW, LUTH KARATE STUDIO, 306 MAIN STREET

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Michael Luth for Site Plan Review to expand an existing building to create a martial arts and yoga studio as shown on the plan entitled, "Site Plan of Land in Groton, Massachusetts Prepared for Michael Luth," prepared by David E. Ross Associates, dated

December 8, 2011. The proposed project is located at 306 Main Street on property owned by the Robert C. Borden Irrevocable Family Trust, Assessors' Map 112, Parcels 72, located on the easterly side of Main Street.

Chairman Burke called the public hearing to order. Clerk Parent read the notice published in December 16 and 23, 2011 issues of the *Groton Herald*. Applicant Michael Luth and design engineer Robert Oliva of David Ross Associates were present.

Mr. Oliva presented the site plan for the proposed karate studio to be located in the existing medical office building presently owned by the Borden Irrevocable Trust. The property shares access on Main Street with Workers Credit Union (WCU) and Dr. Decoteau's office. Borden and the WCU presently share the existing parking lot with 36 spaces. Parking for Dr. Decoteau is located on his own property to the rear of the Borden and WCU sites.

Chairman Burke asked Mr. Oliva to describe the various easements shown on the plan. Mr. Oliva explained the purpose of easements A-G on the plan. Some are access easements and some are utility easements (see site plan).

Mr. Oliva said the Conservation Commission approved the proposed changes to the site, and the Zoning Board of Appeals granted a special permit to alter a non-conforming structure. Mr. Luth would like to construct an 1800 SF addition to the existing 1060 SF building. The existing building contains 1060 SF. No changes to the parking lot are proposed. A trench will be installed along the side of the building to collect roof runoff. The site is well landscaped today. The existing landscaping will be kept and more shrubs added to the rear of the site to provide screening for abutters. An accessible ramp will be installed in front of the building to comply with the Americans with Disabilities Act.

Mr. Oliva said the proposed karate studio requirement of 17-18 parking spaces is overstated. A maximum of 10 spaces will be needed. The hours of the karate studio do not overlap with the WCU hours except at the end of the day and on Thursday evenings.

Member Giger asked about the parking agreement between Borden and WCU dated October 26, 2011. He asked how many people would be on staff at the karate studio. Mr. Luth said he and his wife will walk to the studio and there will be one additional staff member.

Member Giger asked whether the accessible parking space is included in the ten spaces and whether any of the spaces in the shared parking lot are for the dentist. Mr. Oliva said Dr. Decoteau has his own parking spaces on his own lot.

Member Giger asked about lighting. Mr. Oliva said new fixtures would be installed on the doors, but there would be no new light posts. The lights would not be left on after hours.

Member Giger asked if the existing trees were healthy. Mr. Oliva said, "yes," but there was some damage from the October snow storm. Mr. Luth submitted a photograph of the damaged trees to be removed.

Member Capes asked about the hours of operation and shared parking arrangement. Mr. Luth said the studio will be open from 4-9 PM weekdays, Tuesday and Thursday mornings, and Saturday morning from 8-12 noon. The children's classes have 6 to 7 students. Parents must come inside the building to drop children off. The 6-7 PM time slot is the busiest time.

Member Capes asked how the peak compares to the Luth's existing karate studio at Lomar Park in Pepperell. Mr. Luth said the Lomar Park space has 6500 SF and the proposed studio in Groton will have 2800 SF. There will be a total of 15-20 cars during the 4-9 PM time slot. He said they would like to own and maintain their building.

Member Capes asked about traffic flow. Mr. Oliva said cars can enter and exit from either driveway. No live parking will be allowed because people must come inside the building for drop off or pick up.

Member Capes asked the applicant to explain the parking agreement. Mr. Luth said there were 16 parking spaces allocated to the Borden building until a change to the agreement for Borden to have 10 spaces and WCU to have 26 spaces was filed at the Registry of Deeds in October 2011.

Member Perkins said she had concerns about traffic flow for drop off and pick up. However, the fact that parents must go inside the building addresses her concerns. Mr. Luth reiterated that they do not allow drop off or pick up. Mr. Oliva added that the applicant will make sure the access to the Decoteau property is not affected.

Member Perkins asked if a dumpster would be installed. Mr. Luth said, "no."

Member Giger asked about architectural elevations. Town Planner Michelle Collette said they were submitted with the application.

Member Parent asked if multiple classes would be held at the same time. Mr. Luth said they may have some overlap with yoga and karate classes, but the yoga classes are small with about five students.

Mr. Oliva said there are 36 spaces to be shared with WCU. There are no designated spaces.

Member Parent said the most recent agreement states that Borden has 10 spaces and WCU has 26. He asked what would happen if the karate studio needs more than 10 spaces.

Member Wilson expressed concern about the proposed architectural design and asked if there could be some mitigation along the side of the building without windows. Mr. Luth said there

are no windows for the safety of the students. He said they would add landscaping along the property lines with WCU and the abutting residential lots on Champney Street. Member Wilson said there may be better architectural designs available. He said he would like to see the abutter's issues addressed.

Member Barringer asked about the total enrollment. Mr. Luth said there are about 110-125 students. Member Barringer asked about "test days" and the approximate number of students. Mr. Luth said about 20-10 students would attend. Member Barringer said parents often attend the test days. Mr. Luth said they would hold testing on Friday evenings.

Member Barringer said karate studios can be noisy. He asked about the closest residence. Mr. Luth said there are no windows in the rear and more landscape screening would be provided.

Member Barringer asked about heat and air conditioning condensers. Mr. Oliva said they are outside the existing building now.

Chairman Burke said this is an opportunity for shared parking and off-setting peak hours. The building could have a change of use in the future, but such a change would require a new Site Plan Review.

Chairman Burke asked about the size of the proposed addition. Mr. Oliva said it is 1800 SF.

Member Giger said an attorney should review the parking agreement which does not indicate "shared" parking. Chairman Burke said the parking agreement is a private matter between the parties.

Member Giger said he is concerned that the agreement allocates 10 spaces to the Borden property. He added that he has been a member of the WCU for many years and has never had a problem finding a parking space. Mr. Oliva said Mr. Luth and WCU are working on a solution.

Attorney John Gallant said he is representing WCU whose primary concern is parking and traffic. He said there is no "shared" parking arrangement. The agreement allocates 26 spaces to WCU and 10 spaces to Borden. The proposed karate studio requires 17-18 spaces. He said WCU will hire its own traffic consultant to work out a solution with Mr. Luth.

Mr. Gallant said WCU does have evening meetings and seminars after normal banking hours. WCU does not want to lose any of its 26 spaces.

Chairman Burke asked about the size of the bank. David Rogers of WCU said it is between 2500 and 3000 SF. Chairman Burke noted that size bank only requires between 10 and 15 spaces under Groton's zoning.

Chairman Burke noted that the thinking of the planning community is changing. Many towns are adopting maximum parking requirements rather than minimum. He agreed that hiring a traffic consultant is a good course of action.

Chairman Burke asked about the drainage system. Town Planner Michelle Collette said the Board waived the requirement for the submission of drainage calculations at the pre-submission review on October 13, 2011. Chairman Burke asked Mr. Oliva to present an overview at the next hearing. Mr. Oliva agreed.

Abutter Jeff Demers, 311 Main Street, asked if the traffic study would consider Seven Hills, the Groton Exchange, the schools and the WCU. He said it is difficult to pull out onto Main Street between 5 and 6 PM. Chairman Burke said those are all existing uses. The proposed karate studio is incremental and does not warrant a traffic study.

Dr. Decoteau expressed concerns about access through the parking lot to his property. He said he signed the parking agreement that was recorded in 2006. However, he did not sign the revised agreement that was recorded in October 2011. He objected that not all the parties were included in the revised agreement.

Abutter Lucas Sturm, 22 Champney Street, said he welcomes Mr. Luth's studio to the neighborhood. He asked the Board to address construction impact close to his yard. He requested that a fence be installed and hours of construction be specified. He stated that he is willing to work out the details with Mr. Luth.

The Board voted unanimously to continue the public hearing on February 2, 2012 at 7:30 PM.

PUBLIC HEARING – SITE PLAN REVIEW, ANYTIME FITNESS, 536 MAIN STREET

In accordance with the provisions of Chapter 40A, Sections 9 and 11, the Groton Planning Board held a public hearing to consider the application submitted by Anytime Fitness of Groton for Site Plan Review to construct a fitness gym as shown on the plan entitled, "Permit Plan – 536 North Main Street, Groton, MA," prepared by GPR, dated December 12, 2011. The proposed project is located at 536 Main Street, on property owned by Ipswich Investment Partners, LLC, Assessors' Map 216, Parcel 93, on the easterly side of Main Street.

Chairman Burke called the public hearing to order. Clerk Parent read the notice published in December 16 and 23, 2011 issues of the *Groton Herald*. Attorney Robert Ancil, design engineer Bruce Ringwall, landscape architect Lorayne Black, and the Board's consulting engineer Tim McGivern of Nitsch Engineering were present.

Mr. Ringwall said Anytime Fitness has been located at 501 Main Street for five years. Anytime Fitness Centers have been in Massachusetts for 30 years and is ranked as one the three top fitness centers in Massachusetts. The one-acre parcel at 536 Main Street was permitted for a two-story, 10,000 SF office/retail building in 2007. Anytime Fitness is proposing a one story building with 4914 SF. The owner would like the facility to have visibility from the road with parking in the front and rear of the building. The existing facility has 38 parking spaces. The

proposed new facility will have approximately 1000 SF more than the existing facility and will include space for a classroom. The proposed plans have a corporate image and must be approved by corporate headquarters. Members will enter through a front door and guests will enter through a separate front door. Access for people with disabilities will be in both the front and rear of the building. The peak hours of operation are from 7 to 10 AM and 4 to 6 PM. The 38 parking spaces at the existing facility fill up rapidly so the applicant is requesting 40 parking spaces for the new facility.

Mr. Ringwall described the proposed Stormwater Management System with a recharge swale along the southeast property line. Runoff will flow from the swale into a forebay and naturalized basin in the rear of the site. Mr. Ringwall noted that the applicant is requesting a series of waivers as noted on the plan. The proposed access will accommodate fire trucks. The curb cut will be modified through MassDOT when the applicant owns the site.

Mr. Ringwall said the architect was not able to attend the meeting. The floor plans meet corporate requirements. There are no windows on the side or rear of the building.

Ms. Black presented the landscaping plan including low plantings of 3-4 ft junipers along Main Street to block headlight glare. Larger shrubs and shade trees will be planted on each end of the frontage on Main Street. A row of yews and inkberries will be planted in the front of the building. Large trees will be planted along the access to the rear. Hydrangea and gold star junipers will be planted near the rear parking lot. The natural basin will be seeded with a conservation mix and shrubs will be planted on the slopes.

Chairman Burke noted that the applicant met with the Board on October 13, 2011 for a pre-submission review. At that time, Board members all expressed concern about parking in the front of the building. He said the proposed 40 parking spaces is a ratio of 10 spaces per 1000 SF floor area and is quite excessive. He said he did not believe 40 spaces are necessary for the proposed use. He suggested that the applicant consider turning the building 90° with parking along the east side.

Mr. Ringwall said the applicant submitted actual counts of clients checking in at the existing facility to support the request for 40 spaces. Most people stay from 90 minutes to two hours. The expanded facility will have more clients. If people cannot find a place to park, the applicant will lose clients. He submitted a letter dated January 10, 2012 from traffic engineering Conley Associates regarding traffic impact.

Mr. Ringwall offered to "green bank" parking spaces in the rear of the site and to reduce the number of paved spaces to 30. He said the applicant is concerned about financing and constructing the project in phases. He said rotating the building to face the side results in more impervious cover on the site. Customers want to park in the front and be visible when using the facility in the middle of the night.

Member Perkins suggested moving the building to the front of the site and putting the doors on the side. Chairman Burke agreed that the entry doors should face the side rather than the front.

Member Capes asked whether the 40 proposed spaces are based upon Anytime Fitness Center's data. Mr. Ringwall said, "yes," the present facility has 38 spaces that are often filled. The applicant wants to be sure enough parking is available for his clients.

Member Barringer said the applicant should submit more data than four Mondays a year. He said he agreed that the building should be rotated to face the side rather than the front. Other members agreed.

Member Capes said he is not convinced that 40 spaces are needed and noted that he has never seen the existing parking area full. He asked if the runoff is by sheet flow to the rear of the site. Mr. Ringwall said the runoff flows to the swale along the side property line to the basin in the rear.

Member Capes asked about the turning radius for fire trucks and low hanging branches from the shade trees. Mr. Ringwall said the plan demonstrates the turning radius for fire trucks. Ms. Black said some of the lower branches of the shade trees may have to be trimmed.

Member Capes asked about water and sewer use at the present facility. Mr. Ringwall said the average use is 220 GPD. The proposed use has a permitted capacity of 656 GPD. The Sewer Department will reassess the matter if more capacity is required in the future.

Member Giger said with the present plan, people may have to park in the rear and walk around the building to the front. He said if the building is rotated 90° parking will be closer to the doors on the side. He asked about snow removal and storage. Ms. Black said snow will be stored in the road of the parking lot on the lawn area near the basin.

Member Giger asked if the runoff from snow would impact abutters. Mr. Ringwall said, "no," because the grades of the abutting properties are above the site. Snow will be removed when it reaches a certain height.

Member Giger said he is concerned about the facility meeting "corporate" requirements rather than what works well for the Town of Groton. He said this is an opportunity to demonstrate that there may be a better, nicer way.

Selectman Anna Eliot said the proposed plan is a vast improvement over the previous plan. the location of the parking lot is not as much of a concern as screening the cars. She said shrubs in the front will minimize the view of the parking lot.

Real Estate broker John Amaral of Omni Properties said the applicant is working on financing the project. He said the applicant did not disregard what the Board recommended in October.

This is a local business and good community citizen. The Anytime Fitness Corporation is concerned about the safety of its members. Rotating the building by 90° is an inferior plan. The plantings will screen the parking lot in the front. Security is a paramount issue. Over 50% of the members are from Groton. The facility is located beyond the edge of the Town Center. The building includes architectural amenities. A sprinkler system will be installed even though it is not required by the Building Code.

Tim McGivern of Nitsch Engineering presented his report dated December 21, 2011. He questioned the slope of less than 1% for the swale along the property line. He said it may not work in a few years and recommended that the cross slope be increased to prevent ponding. He also questioned whether the soil types are "A" or "B" and asked about the accuracy of the hydrology. Mr. Ringwall submitted a letter dated January 10, 2012 in response to the Nitsch Engineering report.

Chairman Burke reiterated his concerns about the need for 40 parking spaces. He said reducing the number of parking spaces gives the applicant the opportunity to reconfigure the site. Member Barringer said more data is required to support the request for 40 parking spaces. He asked for more information verifying the length of stay of 1.5 – 2 hours. Mr. Amaral said it is the nature of the business. The number of parking spaces should be based upon peak demand.

The Board voted unanimously to continue the public hearing on January 26, 2012 at 8:30 PM.

GROTON BOARD OF TRADE

Steve Webber of the Groton Board of Trade met with the Board to discuss the public's impression that the Planning Board is "unfriendly" to business. He said business owners believe it is difficult to obtain permits in Groton. The Board explained the permitting process and offered to work with the Groton Board of Trade and Economic Development Committee on clarifying the process.

Meeting adjourned at 11 PM

Respectfully submitted,

Michelle Collette
Land Use Director/Town Planner